

# Chapter 4                      Summary of Public/Agency Involvement Process/Tribal Coordination

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## 4.1            Public/Agency Involvement Process

Coordination and consultation with various federal, State, and local agencies; elected officials; community organizations; Native American tribes; and other individuals from the neighborhoods and communities within the corridor were conducted through a variety of means, including public agency coordination, consultation, a public scoping process, newsletters, public circulation and review of the Draft Environmental Impact Statement (EIS), and a public hearing.

### 4.1.1        Scoping Process

#### 4.1.1.1     Notice of Intent

The National Environmental Policy Act (NEPA) specifically requires the federal lead agency to consult with federal agencies that have jurisdiction over the proposed action by law or special expertise. The lead agency must also solicit appropriate information from the public during EIS preparation. Scoping is the process by which the lead agency conducts these activities. This process helps determine the scope of the EIS, including the extent of the action, the range of the alternatives, and the types of adverse effects to be evaluated. The lead agency's scoping process may include early scoping meetings that can be incorporated with other aspects of the federal agency planning process. As part of the scoping process, NEPA requires that a Notice of Intent (NOI) to prepare an EIS be filed with the U.S. Environmental Protection Agency (EPA) and appear in the Federal Register. The NOI for the project was published in the Federal Register on August 4, 2000.

Public agencies formally or informally contacted and consulted during the preparation of this environmental document are listed below. These agencies received notification of the proposed EIS and the public scoping meeting.

- Office of State Senator Maurice Johannessen
- Office of Assembly Member Helen Thomson
- California Department of Transportation
- California State Highway Patrol
- Metropolitan Transportation Commission
- County of Solano
- Solano County Board of Supervisors
- City of Fairfield
- City of Rio Vista

- City of Suisun City
- City of Vacaville
- Solano Bicycle Advisory Committee
- Highway 12 Association

#### **4.1.1.2 Public Scoping Meeting**

A public scoping meeting for the project was held on August 9, 2000, at the Suisun City Hall, at 701 Civic Center Boulevard in Suisun City. Maps and graphics were available for viewing and there was a formal presentation of the project.

#### **4.1.1.3 Summary of Major Concerns at Scoping**

The major concerns expressed by the public at the Scoping meeting were:

- Potential traffic impacts on Cordelia Road, Pennsylvania Avenue, and Lopes Road leading to I-680;
- Comments focusing on potential erosion and stormwater pollution;
- Concerns regarding how SR 12 will carry extra volume of traffic;
- Concern that the project may affect drinking water in Putah Creek;
- Suggestions to limit truck access and extend truck limitations from Leisure Town Road to Vanden Road and Walters Road;
- Suggestion to build a sound wall on Walters Road designed so sound waves are redirected to Jepson Parkway instead of surrounding homes (angle upper quarter of road toward the roadway) to prevent sound from rolling over the wall;
- Suggestion to design project to avoid and minimize impacts on Contra Costa goldfields, vernal pool fairy shrimp, and vernal pool tadpole shrimp and vernal pool, wetland, and riparian habitats and their associated wildlife species;
- Concern that use of Air Base Parkway would create a dangerous lane-changing problem;
- Suggestions for the Parkway to be placed parallel to Air Base Parkway with the use of the Peabody signal to cross it;
- Suggestions that houses that create a “kink” in the County portion of the Parkway should be removed so the Parkway can continue unimpeded along the railroad tracks;
- Suggestion to prevent residential growth east of the Parkway in the County section; and
- Concerns over impacts on historic old town Cordelia from future traffic worsening traffic conditions on Cordelia Road.

#### **4.1.2 Circulation and Review of the Draft EIS**

Availability of the Draft EIS was published in the Federal Register on June 6, 2008 and the Draft EIS/EIR was circulated for public review and comment; a 60-day public review period was provided until August 6, 2008. The Draft EIS/EIR was made available for review online at [www.solanolinks.com](http://www.solanolinks.com) and print copies of the environmental document and supporting technical reports were provided for review at the Solano Transportation Authority (STA) offices at One Harbor Center, Suite 130 in Suisun City; the City of Fairfield Civic Center Library at 1150 Kentucky Street in Fairfield; the Suisun City Public Library at 333 Sunset Avenue, Suite 280 in Suisun City; and the City of Vacaville Public Library/Cultural Center at 102 Ulatis Drive in Vacaville.

A double-sided, self-mailing one-page newsletter announcing release of the Draft EIS/EIR was circulated on May 28, 2008. This newsletter was directly mailed to approximately 7,000 people, including all those who resided within 200 feet of any of the project alternatives as well as to other interested parties including any groups or individuals who had requested to be notified of the availability of the environmental document. The newsletter provided project information including project sponsors, project goals, an overview of project alternatives, and the date, time, and location of the public hearing as well as contact information for submitting comments. In addition, display advertisements announcing the availability of the Draft EIS/EIR and the public hearing were published in the Vallejo Times-Herald and the Fairfield-Suisun Daily Republic on June 8 and June 22, 2008, and in the Vacaville Reporter on June 10, June 21, and June 22.

Thirty-seven comment letters, including a petition with 67 signatories, and 15 comments recorded at the public hearing were received. Copies of these comment letters, the petition and the court reporter's transcript are provided with responses to each comment in Volume II of this Final EIS.

#### **4.1.3 Public Hearing**

A public hearing on the project was held on Tuesday, June 24<sup>th</sup> from 6:00 p.m. to 9:00 p.m. at the Callison Elementary School, 6261 Vanden Road in Vacaville. The public hearing was an open house format meeting featuring a looping video presentation and display boards containing project information, during which attendees could circulate freely and ask questions or give comments directly to members of the project team. A court reporter also was on hand to record comments; a copy of the transcript of these comments is provided in Volume II of this Final EIS. Approximately 30 people signed in their attendance at this meeting, and there were a few additional attendees who did not sign in. Fifteen people provided comments through the court reporter.

#### **4.1.4 Final EIR Process**

The STA Board certified the Final EIR, adopting the project with Findings of Fact and a Statement of Overriding Considerations on March 18, 2009. Per State requirements, the Final EIR included a discussion of Climate Change. The Final EIR is incorporated by reference and is available for public review. On March 19, 2009, STA filed a Notice of Determination with the State Clearinghouse (Office of Planning and Research) for completion of the California Environmental Quality Act (CEQA)

process. The CEQA 30-day statute of limitations on challenges to the Final EIR ended on April 19, 2009.

## 4.2 Agency Consultations

### 4.2.1 NEPA-404 MOU Integration

Alternatives screening for the project was conducted pursuant to the Memorandum of Understanding – National Environmental Policy Act and Clean Water Act Section 404 Integration Process for Surface Transportation Projects in Arizona, California, and Nevada (NEPA-404 Integration MOU) established in 1993. This MOU established a process for early coordination among departments of transportation and federal resource agencies in defining the purpose and need, establishing the criteria for evaluating and identifying alternatives, and setting the range of alternatives to be studied for surface transportation projects. The Jepson Parkway Project NEPA-404 MOU process was initiated in September 2000. Participants in the process are listed in Table 4-1.

**Table 4-1  
NEPA-404 MOU Participants**

Agency	Role
Federal Highway Administration (FHWA)	MOU signatory and National Environmental Policy Act (NEPA) Lead Agency
US Fish and Wildlife Service (USFWS)	MOU signatory
National Marine Fisheries Service (NMFS)	MOU signatory
US Army Corps of Engineers (USACE)	MOU signatory
US Environmental Protection Agency (EPA)	MOU signatory
California Department of Transportation (Caltrans)	Local Programs Administrator for FHWA
California Department of Fish and Game (CDFG)	Permitting agency
San Francisco Bay Regional Water Quality Control Board (RWQCB)	Permitting agency
Solano County	California Environmental Quality Act (CEQA) Responsible Agency
Solano Transportation Authority (STA)	CEQA Lead Agency and project sponsor
City of Fairfield	CEQA Responsible Agency
City of Suisun City	CEQA Responsible Agency
City of Vacaville	CEQA Responsible Agency

Note that several of the participants were not NEPA-404 MOU signatories. STA, Caltrans, and FHWA agreed that early involvement of all interested federal and State agencies would provide an important preview for non-signatory agencies that may be participating in the EIS process. The NEPA-404 participants conducted a series of meetings at which a project purpose and need statement was drafted and adopted, criteria for screening alternatives and for identifying the preferred alternative were

established, a set of preliminary alternatives to be considered was defined, and an alternatives screening process was established. NEPA-404 signatories provided written concurrence on the project purpose and need, criteria for alternative identification, range of alternatives to be included in the screening process, and alternatives to be studied in the EIS. This coordination among the signatory agencies meets the integration requirements for Draft EIS circulation under the NEPA-404 MOU.

A Wetland Delineation Report was prepared and transmitted to the Corps on October 19, 2007 to request its confirmation of jurisdictional wetlands and other waters of the U.S. within the project vicinity. Corps staffed reviewed the delineation in the field and returned comments on October 2, 2008. Minor modifications were made to the delineation in accordance with the comments and the mapping returned to the Corps on September 30, 2008. A Preliminary Jurisdictional Determination was granted by the Corps on February 27, 2009. The project will require an individual wetlands permit under Section 404 of the Clean Water Act. The permit application will be submitted to the Corps during the final design phase of the project.

Following circulation of the Draft EIS Caltrans considered the impacts and benefits of the alternatives and all of the comments received to identify a preferred alternative that would meet project goals while achieving the appropriate balancing of project construction, resource protection and minimization and mitigation costs. This alternative is designated as the least environmentally damaging practicable alternative (LEDPA) in NEPA-404 terms. The NEPA-404 MOU signatory agencies must respond to the identification of the LEDPA and the conceptual mitigation plan (CMP) prior to distribution of the Final EIS and before the Record of Decision may be signed. Packets were distributed in October, 2008 and a final NEPA-404 meeting was held November 20, 2008 to present and discuss the LEDPA determination and CMP with the signatory agencies.

All build alternatives would have impacts on the aquatic ecosystem, including seasonal wetlands, freshwater marshes, drainages, and riparian woodland. Alternative B would generally have greater acreage impacts on seasonal wetlands, freshwater marsh, and seasonal and perennial drainages (jurisdictional waters of the U.S.) than any of the other build alternatives. Alternative E would have fewer impacts on riparian woodland habitat, upland habitat for California tiger salamander and foraging habitat for Swainson's hawk than Alternatives B, C, or D. Alternative B would cross McCoy Creek and its watershed, which has been identified as a High Value Conservation Area in the Draft MSHCP. Alternative E would have roughly comparable direct and indirect impacts on habitat for Contra Costa goldfields, a federally-listed endangered plant species, as Alternatives B and C, but would have lesser impacts on other biological resources and farmlands than the other build alternatives. Therefore, the rationale for identifying the LEDPA considers each type of impact and follows a process of elimination based on each of the related environmental regulations. The following is a summary of that reasoning:

**Alternative D would result in severe economic impacts.** Alternative D would displace industrial and commercial properties and result in the loss of some 224 local jobs. The severe economic hardship to these employees and the City of Fairfield is not acceptable to the local community; thus Alternative D would not be practicable. Alignment variations were considered to avoid the industrial installations along Huntington Drive, either by realigning the alternative

to go across the Union Pacific Railroad tracks and paralleling the railroad up to Peabody Road or by using Air Base Parkway for a short distance before turning north towards Huntington Drive. Both of these variations have feasibility issues. The realignment behind the railroad tracks would not work at the tie-in with Peabody Road because of the large PG&E electrical substation and the close proximity to the Cement Hill Road/Vanden Road/Peabody Road intersection. The variation that included a short distance of Air Base Parkway is not feasible because a new interchange on Air Base Parkway would be required due to the close proximity to the railroad spur line on Huntington Drive that has to be spanned by any Jepson Parkway alternative. This interchange would conflict with the existing Walters Road/Air Base Parkway intersection. There are no other practicable alignment variations to construct Alternative D to avoid these impacts; avoidance of this economic impact could be achieved by either Alternative C or Alternative E.

- **Alternative E would result in the use of Section 4(f) lands.** While Alternative E would avoid the job losses of Alternative D and appears to have the least overall impacts to natural resources, it would result in permanent use of 1.7 acres of land from Al Patch Park and 1.2 acres of Will C. Wood High School. Both properties are protected by Section 4(f) of the Department of Transportation Act, which prohibits the Secretary of Transportation from approving a project that uses Section 4(f)-protected property if there is a feasible and prudent alternative to that use. Alternatives B, C, and D would avoid these Section 4(f) impacts, but the economic impacts of Alternative D render it not prudent or practicable. Under Section 4(f) regulations, Alternative E cannot be identified as the preferred alternative unless both of the other remaining build alternatives can be shown not to be prudent and feasible. Alternative E also would require the full acquisition of 26 single-family and 10 multi-family residential units and have impacts as discussed in the next two bulleted paragraphs.
- **Both Alternatives C and E would result in homeland defense impacts.** The aerial ramp (“flyover” ramp) required to be constructed at the intersection of Peabody Road and Air Base Parkway with either Alternative C or Alternative E would allow high-elevation visual and physical access to Travis Air Base facilities, including the Aero Club landing strip and David Grant Hospital. David Grant Hospital serves sensitive Defense Department missions and is designed to provide emergency functions. This access—particularly from a roadway that offers quick access and retreat—poses a concern for homeland defense. Travis Air Force Base officials raised this concern in their comments on the Draft EIS; their letter is included in Volume II of this Final EIS. In light of potential homeland defense impacts, both Alternative C and Alternative E appear to be impracticable.

Alignment variations that would move the flyover ramp to the opposite quadrant of the interchange or move the intersection itself were considered. The first would still require an aerial structure with visual access to the Air Force Base. Also, it would have residential property impacts at the tie-in along Peabody Road. The second would create a curvilinear alignment along Air Base Parkway that would still require an aerial structure with visual access to the Air Force Base. Tunneling was also considered. This would involve prohibitive costs

and would not avoid the homeland defense issue, as subterranean access would present its own defense risks. Therefore, Alternatives C and E are not practicable.

- **Alternatives C and E also would require the acquisition of lands dedicated as preservation areas for special status plants.** As described in the Travis Air Force Base letter referenced above, Alternatives C and E have the potential to affect an area of high habitat value, consisting of a combination of natural and created vernal pools and seasonal wetlands with good populations of Contra Costa goldfields (*Lasthenia conjugens*), and a contiguous property that is being developed as a mitigation bank. This site includes vernal pools where efforts are currently underway to propagate and preserve goldfields and other listed and special status plant species. Travis officials have agreed to maintain this area of the Air Base for preservation of vernal pools, wetlands, and these plant species. Acquiring these lands for Alternative C or Alternative E would violate this agreement. In essence, these lands are not available for use in the Jepson Parkway project. Because of the homeland defense issue and the potential impacts to dedicated wetland and plant preservation areas, both Alternative C and Alternative E appear not to be practicable.
- **Alternative B is the remaining practicable alternative.** Alternative B would affect seasonal wetlands, freshwater marsh, and seasonal and perennial drainages along the proposed Walters Road extension and Cement Hill Road. The area along the proposed Walters Road extension between the McCoy Flood Control channel and Cement Hill Road contains some of the highest quality seasonal wetlands and perennial drainages in the project corridor. These areas provide habitat for wetland vegetation and wildlife, and also provide for flood storage. Minimization measures have been incorporated into the project including narrowing the median and widening as much as possible to the west side along the developed portion of Walters Road between Tabor Avenue and Air Base Parkway, and by shifting the roadway alignment and providing bridges to maintain existing hydrological drainages and avoid wetland areas in the undeveloped portion. Bridge structures are proposed north of the proposed grade separation of the UPRR, to bridge the McCoy Flood Control Channel, preserve the hydrological connection between the large wetland areas south of the Strassberger Detention Pond, bridge the detention pond, and possibly bridge the complex of small wetlands north of the pond. Constructing these bridges would add approximately 670 feet of structure to the project.

Table 4-2 summarizes the impacts of the four build alternatives.

**Table 4-2  
Summary of Impacts by Alternative**

<b>Affected Resource</b>	<b>Alternative B</b>	<b>Alternative C</b>	<b>Alternative D</b>	<b>Alternative E</b>
<b>Section 4(f)</b>				
Parks and Recreation	No Impact	No Impact	No Impact	Use of Section 4(f) Resources
<b>Meet Project Purpose and Need</b>				
Safe north-south route for local trips without using I-80 (intersections below local LOS standards in 2015)	3	3	3	4
Use existing roadways to minimize impacts	Walters Road Extension	Yes	Yes	Yes
Enhance multi-modal options – transit/bikes/peds	Yes	Yes	Yes	Yes
<b>Potential National Security Conflict from Proposed Flyover Ramp at Air Base Parkway and Peabody Road</b>				
Visual access to base facilities	No	Yes	No	Yes
Interference with helicopter flight paths	No	Yes	No	Yes
<b>Community Impacts</b>				
Jobs Lost	58 jobs	40 jobs	224 jobs	80 jobs
Relocations				
Residential - Single Family/Multi family (units)	0	0	0	26/10
Non-residential (structures)	12	11	17	5
<b>Biological Resources</b>				
Loss of Contra Costa Goldfield habitat (acres) <sup>a</sup>				
Direct	0.40	0.24	0.27	0.24
Temporary (Direct)	0.17	0.22	0.15	0.22
Indirect	2.45	4.58	2.51	4.58
<b>Total</b>	<b>3.02</b>	<b>5.04</b>	<b>2.93</b>	<b>5.04</b>
Direct loss of vernal pool crustacean habitat (acres) <sup>b</sup>	4.69	1.45	1.45	0.96
Loss or degradation of suitable upland habitat for California Tiger Salamander (acres)	22.7	22.7	22.7	1.6
Loss of jurisdictional wetlands (acres)	2.94	1.17	1.17	0.40
Loss of other Waters of the U.S. (acres)	1.90	1.52	1.13	0.64
Loss of Swainson's Hawk nesting and foraging habitat (acres)	58.5	57.4	49.0	32.1
Loss of riparian woodland (acres)	2.1	2.1	2.1	0.4
Loss of Pappose spikeweed (acres)	1.0	0	0	0
Loss of Gairdner's yampah (acres)	2.0	0	0	0
Loss of Saline Clover (acres)	1.0	0	0	0
Loss of elderberry shrubs that are habitat for Valley Elderberry Longhorn Beetle (shrubs)	4 shrubs, 16 stems	4 shrubs, 16 stems	4 shrubs, 16 stems	13 shrubs, 26 stems
<b>Farm/Agricultural Lands</b>				
Conversion of Farmlands (acres)/ Williamson Act Contract (parcels)	75.4 acre/ 1 parcels	68.6 acre/ 2 parcels	64.5 acre/ 1 parcels	29.6 acre/ 6 parcels

Source: PBS&J, 2009

Note: Impact categories not shown on table do not help to discriminate among alternatives.

a. Includes some Vernal Pool habitat

b. Does not include any Goldfield habitat

Preliminary concurrence in Alternative B as the LEDPA was discussed at the November 20, 2008 meeting. The signatory agencies provided final concurrence regarding Alternative B as the LEDPA in letters of concurrence submitted to STA and Caltrans. The signatories' letters of concurrence and/or agreement with the LEDPA determination are included in Appendix B.

#### **4.2.2 Consultation under Endangered Species Acts**

Extensive informal consultation with the USFWS, other resource agencies, and EPA has been conducted to inform the identification of the Preferred Alternative. A Biological Assessment (BA) was completed and submitted to the USFWS and NMFS, and the USFWS was requested to enter formal consultation regarding impacts to California tiger salamander, vernal pool fairy shrimp, vernal pool tadpole shrimp, valley elderberry longhorn beetle, and Contra Costa goldfields. (Latin names for these species are provided in Section 3.15, Biology). In May 2010, the USFWS returned a no-jeopardy Biological Opinion stipulating minimization and compensation measures for impacts to California tiger salamander, vernal pool fairy shrimp, vernal pool tadpole shrimp, valley elderberry longhorn beetle, and Contra Costa goldfields. A copy of the USFWS Biological Opinion is provided in Appendix J.

On April 6, 2009, Caltrans sent a letter to NMFS that requested consultation regarding impacts to Central Valley steelhead. NMFS returned its letter of concurrence on May 20, 2009 and determined that the proposed project would not be likely to adversely affect the Central Valley steelhead. A copy of the NMFS letter is provided in Appendix B.

Representatives of the CDFG have been included in all NEPA-404 MOU coordination information exchange and meetings. CDFG provided comments on the Draft EIS; copies of the comments and responses are provided in Volume II of this Final EIS. As the project will address these CDFG issues and requirements, no further CDFG consultation is anticipated during this phase of project development. The project will require a streambed alteration agreement with CDFG to be obtained during the design phase.

#### **4.2.3 Consultations Under Section 4(f) of the Department of Transportation Act**

All build alternatives were evaluated for potential use of Section 4(f) protected property. Alternative E would have used land from three such properties, and a Draft Section 4(f) Evaluation was prepared and circulated with the Draft EIS; the final Section 4(f) Evaluation is included herein as Appendix A. None of the other build alternatives had 4(f) impacts; however, construction of Alternative B would need to be coordinated with development of the City of Fairfield's proposed extension of the City's linear park within the abandoned Sacramento Northern Railroad right-of-way, which crosses Cement Hill Road in the vicinity of the proposed Walters Road Extension. Alternative B was identified as the preferred alternative. Consistent with the agencies' previously developed joint planning of the proposed linear park and this future transportation facility, if the Walters Road Extension segment of Alternative B is constructed after the linear park is extended, then the City and STA will coordinate to ensure that construction of the roadway improvements would not permanently interfere with the activities or purpose of the linear park and that the linear park property is restored to a condition that is

as good or better than that which existed prior to construction of the Alternative B improvements. The City of Fairfield also will ensure that adequate detours or other temporary measures are in place to avoid or minimize impacts on park users.

### **4.3 Tribal Coordination**

The National Historic Preservation Act (NHPA) Section 106 (36 CFR 800) regulations require that the agency official make a reasonable and good faith effort to identify any Indian tribes that might attach religious and cultural significance to historic properties in the area of potential effects (APE) and invite them to be consulting parties. Any such Indian tribes that request in writing to be a consulting party shall be a consulting party (36 CFR 800.3).

The agency official is also responsible for gathering information from any Indian tribe identified pursuant to 36 CFR 800.3(f) to assist in identifying properties, including those not located on tribal lands, that may be of religious or cultural significance to them and may be eligible for the National Register of Historic Places (NRHP), recognizing that an Indian tribe maybe reluctant to divulge specific information regarding the location, nature, and activities associated with such sites. The agency official should address concerns raised about confidentiality pursuant to 36 CFR 800.11(c).

As described in section 3.8, Cultural Resources, the Native American Heritage Commission (NAHC) was contacted for information regarding important religious and cultural sites that might be located in the corridor. A letter received from the NAHC in September 2001 indicated that there are no sacred Native American sites or cultural resources in the corridor. There was no response from Native American individuals contacted in September 2001. After subsequent contact on November 25, 2002, by telephone, Kesner Flores (Wintun) communicated that he knows of no problems or issues regarding Native American sites or remains in the current corridor.<sup>1</sup>

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<sup>1</sup> Flores, Kesner. Cortina Band of Indians and the Wintun Environmental Protection Agency. November 25, 2002—telephone conversation. Fitzgerald, R. T., T. L. Jones, and A. Schroth.